

TO: Board of Health

FROM: John Chess, REHS, MPA

DATE: February 27, 2014

RE: Proposed Updates to the Lincoln Municipal Code Chapters 8.38 Public Swimming Pools and 8.40 Spa Facilities Ordinance, and Associated Design and Safety Standards.

Lincoln Municipal Code (LMC) 8.38 Public Swimming Pools was originally enacted in 1978 and LMC 8.40 Spa Facilities was enacted in 1989. Since that time, there have been no major updates to either ordinance. However, the Nebraska Department of Health and Human Services has updated Title 178 NAC 2 Operation and Management of Public Swimming Pools, and Title 178 NAC 4 Public Swimming Pool Design and Construction Standards, which are the minimum operation standards for Public Swimming Pools and Spas in the State of Nebraska and in Lincoln.

The Lincoln-Lancaster County Health Department (LLCHD) is proposing to update LMC 8.38 and 8.40 and adopt the majority of the State standards locally. However, we are proposing to incorporate a few differences from the State standards in a revised Lincoln Operational and Management Standards for Public Swimming Pools. The most significant changes are listed below.

**Secondary Disinfection Standard for Class E Pools (Spray Parks):** LLCHD is proposing that all Class E pools that recirculate water to spray features meet a secondary disinfection standard to achieve a 3-log reduction of *Cryptosporidium* oocysts. *Cryptosporidium* is highly resistant to chlorine and other disinfection chemicals. The adoption of this requirement will greatly reduce the potential of a *Cryptosporidium* outbreak and is consistent with the proposed Model Aquatic Code being developed by the U.S. Centers for Disease Control and Prevention.

**Pool Operators Registration:** LLCHD is proposing that Lincoln swimming pool operators must be registered locally. This will allow local enforcement action to suspend or revoke a Lincoln swimming pool operator's certificate if necessary. The cost of this registration is proposed to be \$20. Local training will remain \$60 and will include the \$20 registration fee.

**Pool Operator Availability:** LLCHD is proposing that every Class B, C, D, E and F swimming pool must have a Lincoln swimming pool operator available. Nebraska regulations do not require Class C, D or E pools to have a swimming pool operator available. These proposed revisions will require any operator of a Class C (Spa) to obtain a Lincoln Swimming Pool Operator certificate and be registered.

**Certificate of Pool Water Quality Tester Competency:** LLCHD is proposing that any individual that conducts the required testing and recording of pool water quality must hold either a Lincoln Certificate of Pool Water Tester Competency or a Certificate of Swimming Pool Operators competency. Certification can be obtained by attending a class, demonstration of a working knowledge of water quality testing procedures, and paying a \$20 fee for registration. The certificate would be good for two years.

Several efforts were made to get public input on the proposed ordinance and regulations, including:

- informing every class of swimming pool operators over the last year that the ordinance and regulations were going to be updated and that we desired their input;
- mailing the above information to all public swimming pool owners and pool operators, and informing them that copies of the proposed changes were available online at the City of Lincoln's Website, [www.lincoln.ne.gov](http://www.lincoln.ne.gov) keyword "Proposed Pool Code";
- holding public meetings on three separate dates: February 7 at 10:00 a.m., February 13 at 7:00 p.m., and February 14 at 10:00 a.m.; and
- communicating directly with and/or meeting with key stakeholders, such as pool operators that are responsible for multiple pools, Lincoln Parks and Recreation Aquatics staff, the Nebraska Hotel and Motel Associations Legislative Director, and the Nebraska Department of Health and Human Services Swimming Pool Program.

In general, owners and operators were supportive of the proposed changes.

Staff request that the Board of Health approve the proposed changes to LMC 8.38 and the associated design and operational standards. Staff also request that the Board of Health approve rescinding LMC 8.40.